

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT VALLADON, *et al.*,

No. C 06-07478 SI

Plaintiffs,

**ORDER RE: PLAINTIFFS' DISCOVERY
MOTION**

v.

CITY OF OAKLAND,

Defendant.

Plaintiffs have filed a request for an order directing defendant to comply with Federal Rule of Civil Procedure 30(b)(6) and designate witnesses for the topics identified in plaintiffs' notices of deposition. In defendant's objections to plaintiffs' notices, defendant states that the six individuals who are subject to individual notices of deposition will also testify as "persons most knowledgeable" to testify on matters known to the City of Oakland. *See* Fed. R. Civ. P. 30(b)(6). The Court orders defendant to specify which of these six individuals will testify about each of the 20 topics listed in plaintiffs' October 28 and 30 notices by **January 9, 2009**.

Plaintiffs have also noticed depositions of Rule 30(b)(6) witnesses to testify regarding defendant's affirmative and other defenses. Defendant responds that its defenses involve legal theories and legal conclusions, and that the persons most knowledgeable to testify about these matters are defendant's attorneys. The Court agrees with defendant that plaintiffs' notice regarding defenses does not describe factual areas of inquiry, but instead sets forth legal conclusions. Accordingly, defendant need not specify which witnesses will testify about defenses 1(a)-(m). Plaintiffs may question any of defendant's Rule 30(b)(6) witnesses about the facts and documents underlying defendant's defenses. If plaintiffs seek the designation of specific witnesses under Rule 30(b)(6), they must notice the

1 deposition in terms of facts, not conclusions of law.

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3 **IT IS SO ORDERED.**

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5 Dated: 12/29/08



SUSAN ILLSTON
United States District Judge